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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,075	09/23/2003	Stefan Aschoff	P03,0378	2710

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EXAMINER

PARK, ILWOO

ART UNIT PAPER NUMBER

2182

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/669,075

Applicant(s)

ASCHOFF ET AL.

Examiner

Ilwoo Park

Art Unit

2182

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1-6 and 8-14 are amended and claim 15 and 16 are added in response to the last office action. The following rejections now apply. Claims 1-16 are presented for examination.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Eaton et al., US patent application publication No. 2005/0283263 A1

As to claims 1 and 8, Eaton et al teach an interface device [device 106 in fig. 1] for audiological devices [e.g., hearing aid system 102 in fig. 1] between a plurality audiological of applications [paragraph 0010] and at least one audiological data administration system [e.g., server in paragraph 0040], comprising:

an audiological application access device [paragraph 0034] to which the plurality of audiological applications for controlling hardware components can be connected for uniform data exchange,

an audiological data administration connection device [paragraph 0037] to which at least one audiological data administration system can be connected, and

a converter device [paragraph 0041], that closes a connection between the audiological application access device and the data administration connection device, the converter device being configured to perform at least one of: a) converting [aural responses formatted to form an audiogram before sending to the server in paragraph 0053] respectively specific audiological application data acquired by the audiological application access device in a predeterminable databank format for the plurality of audiological applications, and b) converting databank audiological data acquired from the audiological data administration connection device into one or more respectively specific application formats for the plurality of audiological applications.

4. As to claims 2 and 9, Eaton et al teach a class library that is accessible with each of the plurality of audiological applications [paragraph 0048].
5. As to claim 3, Eaton et al teach a state administration device for the plurality of audiological applications, such that the plurality of audiological applications have common access to predeterminable data [paragraphs 0040, 0055].
6. As to claims 4 and 11, Eaton et al teach a databank in which states and data of the plurality of audiological applications can be stored for common access via the state administration device [paragraphs 0048].
7. As to claims 5 and 12, Eaton et al teach the state administration device is configured to automatically recognize which audiological data administration system or systems are connected to the device [paragraph 0047].

8. As to claims 6 and 13, Eaton et al teach a data keeping device to keep data for a plurality of the audiological applications [application downloaded or responses recorded/collected in paragraphs 0051, 0053, 0055].

9. As to claims 7 and 14, Eaton et al teach the data device comprises a volatile storage [e.g., WAP removed in paragraph 0055].

10. As to claim 10, Eaton et al teach providing the plurality audiological applications with mutual access to the predeterminable data [e.g., aural responses used for profiling and for deriving audiological parameters in paragraphs 0046, 0053].

11. As to claim 15, Eaton et al teach acquiring audiological data by measuring [measuring the response in paragraph 0045] a patient's hearing with an audiometer, programming [paragraph 0010] a hearing device by a programming device utilizing the acquired audiological device from the audiometer, and checking [e.g., diagnostic and adjusting in paragraph 0031] the hearing device functionality according to a predefined criteria with a test box, wherein the audiological applications and audiological data are related to the hearing device, the audiometer, the programming device, and the test box.

12. As to claim 16, Eaton et al teach a system for programming and testing [diagnostics and adjustment to the hearing aid system in paragraph 0031] hearing devices comprising:

an audiometer that acquires [measuring and obtaining aural response in paragraphs 0010, 0045] audiological data from a patient;

a hearing device designed to be worn [fig. 1] by the patient;

a programming device for programming [paragraph 0010] the hearing device utilizing the audiological data from the patient;

a test box that checks [e.g., diagnostic and adjusting in paragraph 0031] the hearing device functionality according to a predetermined criteria; and

an interface device for audiological devices, the audiological devices comprising the audiometer, the hearing device, the programming device and the test box, between a plurality of audiological applications [paragraph 0010] and at least one audiological data administration system [e.g., server in paragraph 0040], comprising:

an audiological application access device [paragraph 0034] to which the plurality of audiological applications for controlling hardware components can be connected for uniform data exchange,

an audiological data administration connection device [paragraph 0037] to which at least one audiological data administration system can be connected, and

a converter device [paragraph 0041], that closes a connection between the audiological application access device and the data administration connection device, the converter device being configured to perform at least one of: a) converting [aural responses formatted to form an audiogram before sending to the server in paragraph 0053] respectively specific audiological application data acquired by the audiological application access device in a predeterminable databank format for the plurality of audiological applications, and b) converting databank audiological data acquired from the audiological data administration connection device into one or more respectively specific application formats for the plurality of audiological applications.

***Response to Arguments***

13. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ilwoo Park whose telephone number is (571) 272-4155. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4047. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**ILWOO PARK**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Ilwoo Park', written in a cursive style.

Ilwoo Park

January 6, 2006